

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSEPH HOWARD,

Case No. 19-CV-2418 (SRN/BRT)

Petitioner,

v.

ORDER

BRIAN D. GARDNER, and
LINN COUNTY, IOWA,

Respondent.

Michael Duane Strain, Linn County Correctional Center, PO Box 608, Cedar Rapids, IA 52406 *pro se*.

This matter comes before the Court for review of the Petitioner's Section 2254 habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in United States District Courts. The Court notes that, although the documents are signed by Petitioner Joseph Howard, they contest the detention of Michael Duane Strain. Mr. Strain is currently in custody at the Linn County Jail in Iowa. He is being held in the Linn County Jail in relation to criminal charges in the United States District Court for the Northern District of Iowa. *See United States v. Strain*, Case No. 6:11-cr-02039-CJW-MAR. A petition for habeas corpus relief must either be lodged in the United States District Court where petitioner is being detained, or in the District where he is convicted and sentenced (post-trial). The District of Minnesota does not meet either of these criteria, accordingly, it is appropriate to transfer the matter to the Northern District of Iowa for further handling.

Pursuant to 28 U.S.C. § 1404(a), this Section 2254 habeas petition is hereby transferred to the United States District Court for the Northern District of Iowa because Petitioner is currently detained in Linn County, Iowa, which falls within the Northern District of Iowa. *See* 28 U.S.C. § 1404(a); 28 U.S.C. § 2241(a) (“Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.”).

SO ORDERED.

Dated: October 1, 2019

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge